

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

STRIKE 3 HOLDINGS, LLC,

Plaintiff,

v.

JOHN DOE infringer identified as using IP
address 100.37.65.11,

Defendant.

No. 22-CV-7885

(Chen, J.)

(Marutollo, M.J.)

ORDER

JOSEPH A. MARUTOLLO, United States Magistrate Judge:

On November 13, 2023, Defendant filing a letter-motion (Defendant's Motion) seeking to (1) maintain the caption for this matter with a pseudonym identifier for Defendant; (2) maintain any documents currently on the docket in redacted form which identify Defendant by their real name, address, or other identifying information; and (3) permit Plaintiff to file a notice of dismissal in this matter with a caption maintaining a John Doe pseudonym for Defendant, as Defendant reports that the case has been amicably resolved by the parties with no party admitting fault or further liability. *See* Dkt. No. 20. Defendant also seeks entry of an Order extending the deadlines set by the Court's November 6, 2023 Scheduling Order by fourteen (14) days from the date of an entry of the Court's Order on Defendant's Letter Motion. *See id.* The Court treats Defendant's Motion for a Protective Order as fully submitted as Plaintiff takes no position on Defendant's Motion and consents to the request to extend the deadlines set by the Court's November 6, 2023 Scheduling Order. *See id.* at 2.

Upon consideration of the public interest in disclosure and the factors set forth by the Second Circuit, Defendant's Motion to proceed anonymously is **GRANTED**. *See Does 1-2 v. Hochul*, No. 21-CV-5067, 2022 WL 836990 *3 (E.D.N.Y. Mar. 18, 2022) (Merkel, M.J.) (quoting *Sealed Plaintiff*

v. Sealed Defendant, 537 F.3d 185, 189-90 (2d Cir. 2008)). Since this case has settled without any admission of fault or liability on either side, the risk of harm to defendant and innocent non-parties outweighs the public's interest in disclosure. *See Stankiewicz v. Universal Com. Corp.*, No. 16-CV-2050, 2017 WL 3671040 at *1 (S.D.N.Y. Aug. 9, 2017) (Koeltl, J.) (granting motion to retroactively assign a pseudonym to the parties names in the caption); *see also Sealed Plaintiff*, 537 F.3d at 190-91.

In light of the foregoing, it is hereby **ORDERED** that (1) the caption for this matter shall be maintained with a pseudonym identifier for Defendant; (2) any documents currently on the docket in redacted form which identify Defendant by their real name, address or other identifying information shall remain; and (3) Plaintiff shall file a notice of dismissal in this matter with a caption maintaining a “John Doe” pseudonym for Defendant within fourteen (14) days from the date of entry of this Order and no later than December 6, 2023.

Dated: Brooklyn, New York
November 22, 2023

/s/ Joseph A. Marutollo
Honorable Joseph A. Marutollo
United States Magistrate Judge